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*Attorneys for Plaintiff*  
8 ARENA IP, LLC  
9

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13 ARENA IP, LLC,  
14 Plaintiff,  
v.  
15

16 FORTY NINERS STADIUM  
MANAGEMENT COMPANY LLC.  
17 Defendant.  
18

Case No.: 5:23-cv-06706

**PLAINTIFF'S ORIGINAL  
COMPLAINT FOR PATENT  
INFRINGEMENT**

**(35 U.S.C. § 271)**

**JURY TRIAL DEMANDED**

19  
20 **PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**  
21

22 Plaintiff Arena IP, LLC ("Arena IP") files this Original Complaint and demand for  
23 jury trial seeking relief from patent infringement of the claims of U.S. Patent No.  
24 8,320,820 ("the '820 patent") (referred to as the "Patent-in-Suit") by Forty Niners  
25 Stadium Management Company LLC ("Defendant" or "Forty Niners").  
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1       **I.       THE PARTIES**

2       1. Plaintiff is a Limited Liability Company with its principal place of business  
3  
4 located 117 Bryn Mawr Drive SE, Albuquerque, NM 87106.

5       2. On information and belief, Defendant is a corporation organized and existing  
6  
7 under the laws of Delaware having a principal place of business at 4949 Marie P.  
8 Debartolo Way, Santa Clara, CA, 95054 and is authorized to do business in California.  
9 Defendant can be served through its registered agent, located at Corporation Service  
10 Company, 251 Little Falls Drive, Wilmington, Delaware 19808, at its place of  
11  
12 business, or anywhere else it may be found.

13       3. On information and belief, Defendant sells and offers to sell products and  
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15 services throughout California, including in this judicial district, introduces products  
16 and services that perform infringing methods or processes into the stream of  
17 commerce knowing that they would be sold in California and this judicial district, and  
18  
19 otherwise directs infringing activities to this judicial district in connection with its  
20 products and services.

21       **II.       JURISDICTION AND VENUE**

22       4. This Court has original subject-matter jurisdiction over the entire action  
23  
24 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an  
25 Act of Congress relating to patents, namely, 35 U.S.C. § 271.

26       5. This Court has personal jurisdiction over Defendant because: (i) Defendant is  
27  
28 present within or has minimum contacts within the State of California and this judicial

1 district; (ii) Defendant has purposefully availed itself of the privileges of conducting  
2 business in the State of California and in this judicial district; and (iii) Plaintiff's cause  
3 of action arises directly from Defendant's business contacts and other activities in the  
4 State of California and in this judicial district.  
5

6 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).  
7 Defendant has committed acts of infringement and has a regular and established place  
8 of business in this District. Further, venue is proper because Defendant conducts  
9 substantial business in this forum, directly or through intermediaries, including: (i) at  
10 least a portion of the infringements alleged herein; and (ii) regularly doing or  
11 soliciting business, engaging in other persistent courses of conduct and/or deriving  
12 substantial revenue from goods and services provided to individuals in California and  
13 this District.  
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### 17 **III. INFRINGEMENT - Infringement of the '820 Patent**

18 7. On November 27, 2012, U.S. Patent No. 8,320,820 ("the '820 patent", included  
19 as Exhibit A and part of this complaint) entitled "Self-contained Data Communication  
20 System Nodes As Stand-alone Pods Or Embedded In Concrete Walkways And In  
21 Walls At Public Venues Including Sports And Entertainment Venues" was duly and  
22 legally issued by the U.S. Patent and Trademark Office. Plaintiff owns the '820 patent  
23 by assignment.  
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27 8. The '820 patent relates to novel and improved methods and systems for  
28 communications of video and data to handheld devices located within a public venue.

1 9. Defendant maintains, operates, and administers systems, products, and  
2 services that infringes one or more of claims 1-21 of the '820 patent, literally or under  
3 the doctrine of equivalents. Defendant put the inventions claimed by the '820 Patent  
4 into service (i.e., used them); but for Defendant's actions, the claimed-inventions  
5 embodiments involving Defendant's products and services would never have been  
6 put into service. Defendant's acts complained of herein caused those claimed-  
7 invention embodiments as a whole to perform, and Defendant's procurement of  
8 monetary and commercial benefit from it.  
9

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11  
12 10. Support for the allegations of infringement may be found in the chart attached  
13 as exhibit A. These allegations of infringement are preliminary and are therefore  
14 subject to change.  
15

16 11. Defendant has and continues to induce infringement. Defendant has actively  
17 encouraged or instructed others (e.g., its customers and/or the customers of its related  
18 companies), and continues to do so, on how to use its products and services (e.g.,  
19 system supporting communications of video and data to hand held devices located  
20 within a public venue) such as to cause infringement of one or more of claims 1-21  
21 of the '820 patent, literally or under the doctrine of equivalents. Moreover, Defendant  
22 has known of the '820 patent and the technology underlying it from at least the filing  
23 date of the lawsuit. For clarity, direct infringement is previously alleged in this  
24 complaint.  
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27  
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1 12. Defendant has and continues to contributorily infringe. Defendant has actively  
2 encouraged or instructed others (e.g., its customers and/or the customers of its related  
3 companies), and continues to do so, on how to use its products and services (e.g.,  
4 system supporting communications of video and data to hand held devices located  
5 within a public venue) and related services such as to cause infringement of one or  
6 more of claims 1-21 of the '820 patent, literally or under the doctrine of equivalents.  
7 Further, there are no substantial non-infringing uses for Defendant's products and  
8 services. Moreover, Defendant has known of the '820 patent and the technology  
9 underlying it from at least the filing date of the lawsuit. For clarity, direct infringement  
10 is previously alleged in this complaint.  
11

12 13. Defendant has caused and will continue to cause Plaintiff damage by direct  
13 and indirect infringement of (including inducing infringement of) the claims of the  
14 '820 patent.  
15

#### 16 **IV. CONDITIONS PRECEDENT**

17 14. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has pled  
18 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent  
19 to recovery are met.  
20

#### 21 **V. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff prays for relief as follows:  
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- 24 a. enter judgment that Defendant has infringed the claims of the '820 patent;  
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- b. award Plaintiff damages in an amount sufficient to compensate it for Defendant's infringement, in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award Plaintiff an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendants will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and,
- g. award Plaintiff such other and further relief as this Court deems just and proper.

1 Dated: December 28, 2023

Respectfully submitted,

2 RAMEY LLP

3  
4 /s/ Susan S.Q. Kalra

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9 *Attorneys for Plaintiff*

10 *ARENA IP, LLC*

11  
12 **DEMAND FOR JURY TRIAL**

13 Plaintiff hereby requests a trial by jury on issues so triable by right.

14 Dated: December 28, 2023

Respectfully submitted,

15 RAMEY LLP

16  
17 /s/ Susan S.Q. Kalra

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